

## **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-13, 15-47, 49-71, 73-75 and 77-89 are pending in the application, with claims 1, 15, 49, 73 and 77 being independent. Claims 14, 48, 72, 76 and 90 were previously canceled without prejudice or limitation to the subject matter of the instant application. Claims 1, 15, 49, 73 and 77 are amended herein with support for the amendments being found in the specification at least at [0222] through [0229].

### **Cited References**

The following references have been applied to reject one or more claims of the Application:

- **Taymans:** Taymans, et al., "GStreamer Application Development Manual", retrieved on 9-22-2009 at <http://www.gstreamer.net/docs/gstreamer-manual.pdf>, Archived 4-5-2003, pp. i-iv and 1-84
- **Thompson:** Thompson, "DirectShow for Media Playback In Windows", retrieved on 9-22-2009 at [http://www.flipcode.com/archives/DirectShow\\_For\\_Media\\_Playback\\_In\\_Windows-Part\\_I\\_Basics.shtml](http://www.flipcode.com/archives/DirectShow_For_Media_Playback_In_Windows-Part_I_Basics.shtml), Parts 1-3, Last Part Dated 9-13-200, 18 pages
- **Blome:** Blome, et al., "Core Media Technology in Windows XP Empowers You to Create Custom Audio/Video Processing Components", retrieved on 9-22-2009 at <http://msdn.microsoft.com/en-us/magazine/cc301631.aspx>, MSDN Magazine, 16 pages

- **Smith:** "EvCode.h", retrieved on 9-22-2009 at  
<http://www.lelandnsmith.com/downloads/Microsoft/DirectX%209%20SDK/sdk/include/evcode.h>, Microsoft, 2001, pp 1-6

### **§102 Rejections**

Claims 1-9, 49-51, 53-64, 69-71 and 73-75

**Claims 1-9, 49-51, 53-64, 69-71 and 73-75** stand rejected under 35 U.S.C. §102(a) as being anticipated by Taymans. Based on the following, Applicant respectfully traverses the rejection. Nevertheless, Applicant has further amended independent claims 1, 49 and 73 to clarify the features recited therein as provided below.

### **Independent Claim 1**

**Claim 1**, as amended, defines a system that comprises:

- a media engine embodied on the one or more computer-readable media and configured to communicatively interact with an application to present a presentation on a first computing device, the first computer device being remote from a second computing device on which the media engine resides
- the media engine being configured to use: one or more media sources individual ones of which serving as a source of media content; one or more transforms communicatively linked with the one or more media sources and configured to operate on data received from the one or more media sources; and one or more media sinks configured to sink a media stream

Applicant respectfully submits that Taymans does not anticipate the features of the system defined in claim 1. Specifically, Taymans fails to describe, at least, "a media engine embodied on the one or more computer-readable media and configured to communicatively interact with an application to present a presentation on a first computing device, the first

computer device being remote from a second computing device on which the media engine resides...”

Taymans is an application development manual for GStreamer, which is a framework for creating streaming media applications. More specifically, Taymans discloses that GStreamer provides a set of tools for application programmers to create media pipelines without writing a single line of code (Taymans, pg. 5, bullet 1), and that GStreamer also provides an API for plug-in programmers to create self contained plug-ins with extensive debugging and tracing mechanism (Taymans, pg. 5, bullet 2). Taymans describes source elements, filter elements and sink elements with pads as link points (Taymans, pp. 9-10). The source elements generate data for use by a pipeline, and that source elements do not accept data as source elements only generate data (Taymans, pg. 9). The filter elements operate on data they receive in their sink pads and produce data on their source pads (Taymans, pg. 9). The sink elements are terminal points in a media pipeline and they accept data but do not produce anything (Taymans, pg. 10). Taymans further describes a disk source element, filesrc, to read from a file (Taymans, pg. 32), and that the filesrc element can be replaced with an httppsrc element, which provides instant network streaming (Taymans, pg. 34).

Accordingly, both “filesrc” and “httppsrc” as described in Taymans are source elements that generate data for use by a pipeline. In the case of “filesrc”, the source of data is a file and, in the case of “httppsrc”, the source of data is across a network. That is, with “httppsrc”, the source of data may be separated by a network from where the data is processed and where the data is presented. However, “httppsrc” merely indicates a source of data in a pipeline and cannot be said to be a media engine itself. A source element is not the same as or equivalent to

a media engine as the term “media engine” is known in the art. The fact that the source of data may be across a network from where the data is presented has nothing to do with whether a media engine is remote from where the data is presented. Therefore, “httpsrc” does not describe and is irrelevant to whether “a presentation is presented on a first computing device, the first computing device being remote from a second computing device on which a media engine resides...,” as required by claim 1.

The Office takes the position that Taymans, by disclosing “httpsrc” on page 34, “discloses the media engine is configured to present a presentation on a computing device that is remote from a computing device on which the media engine resides (httpsrc, p. 34)” (Final Office Action, pg. 3). However, as explained above, it is respectfully submitted that Taymans does not describe the media engine is configured to present a presentation on a first computing device, the first computing device being remote from a computing device on which the media engine resides...”

Moreover, in responding to Applicant’s previous amendment filed on or about January 22, 2010, the Office provides “[i]t appears that Applicant intends the claim to recite ‘...to present a presentation on a first computing device...wherein the first computing device is remote from a second computing device...’. However, the plain language of the claim also supports the following interpretation that the Office has relied on ‘...to present a presentation on a first computing device....wherein the presentation on a first computing device is remote from a second computing device...,’” (Final Office Action, pg. 18). While Applicant respectfully disagrees with the Office’s position, Applicant has further clarified the subject features of claim 1 to address the purported ambiguity raised by the Office.

Therefore, independent claim 1 is patentable over Taymans. It is respectfully requested that the rejection of claim 1 under 35 U.S.C. § 102(a) be withdrawn.

Independent Claim 49

**Claim 49**, as amended, defines a system that comprises:

- a media engine embodied on the one or more computer-readable media and configured to communicatively interact with an application to present a presentation, the media engine being configured to use a media session, the media engine and the media session configured to present the presentation on a first computing device, the first computing device being remote from a second computing device on which the media engine and the media session reside
- the media session being configured to use: one or more media sources individual ones of which serving as a source of media content; one or more transforms communicatively linked with one or more media sources and configured to operate on data received from the one or more media sources; and one or more media sinks configured to sink a media stream

These features are similar to the features recited by claim 1, although the scopes of claim 1 and claim 49 are different. For the reasons explained above with respect to claim 1, it is respectfully submitted that Taymans also fails to describe the features of claim 49 as amended. Accordingly, independent claim 49 is patentable over Taymans. It is respectfully requested that the rejection of claim 49 under 35 U.S.C. § 102(a) be withdrawn.

Independent Claim 73

**Claim 73**, as amended, defines a system that comprises:

- a media engine embodied on the one or more computer-readable media and configured to communicatively interact with an application to present a presentation, the media engine being configured to use a media session, the media engine and the media session configured to present the presentation on a first computing device, the first computing device being remote from a second computing device on which the media engine and the media session reside

- the media session being configured to use at least one media processor, one or more bit pumps communicatively linked with the media processor, and one or more media sinks communicatively linked with respective bit pumps
- the media processor being configured to use one or more media sources and one or more transforms communicatively linked with one or more media sources and configured to operate on data received from the one or more media sources

These features are similar to the features recited by claim 1, although the scopes of claim 1 and claim 73 are different. For the reasons explained above with respect to claim 1, it is respectfully submitted that Taymans also fails to describe the features of claim 73 as amended. Accordingly, independent claim 73 is patentable over Taymans. It is respectfully requested that the rejection of claim 73 under 35 U.S.C. § 102(a) be withdrawn.

Dependent Claims 2-9, 14, 50-51, 53-64, 69-72 and 74-76

**Claims 2-9, 50-51, 53-64, 69-71 and 74-75** are patentable over Taymans because of their respective dependencies on one of the independent claims discussed above. Further, each of these claims include additional features that, when taken together with those recited in dependent claims 1, 49 and 73, defines a system not described by Taymans.

Therefore, it is respectfully requested that the rejection of claims 2-9, 14, 50-51, 53-64, 69-72 and 74-76 under 35 U.S.C. § 102(a) be withdrawn.

Claims 77-82, 85, 86 and 88-90

Claims 77-82, 85, 86 and 88-90 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Thompson. Based on the following, Applicant respectfully traverses the rejection. Nevertheless, Applicant has further amended independent claim 77 to clarify the features recited therein as provided below.

### Independent Claim 77

**Claim 77**, as amended, defines a system that comprises:

- a media engine embodied on the one or more computer-readable media and configured to communicatively interact with an application to present a presentation on a first computing device, the first computing device being remote from a second computing device on which the media engine resides
- the media engine being configured to use: one or more media sources individual ones of which serving as a source of media content; one or more transforms communicatively linked with the one or more media sources and configured to operate on data received from the one or more media sources; and one or more media sinks configured to sink a media stream

Applicant respectfully submits that Thompson does not anticipate the features of the system defined in claim 77. Specifically, Thompson fails to describe, at least, “a media engine embodied on the one or more computer-readable media and configured to communicatively interact with an application to present a presentation on a first computing device, the first computing device being remote from a second computing device on which the media engine resides...,” as now recited in claim 77.

Thompson pertains to DirectShow for media playback in Windows®. More specifically, Thompson discloses DirectShow as a media streaming layer on top of DirectX to handle pretty much any type of media (Thompson, pg. 1). In the Filter Graph Editor, each box represents a filter and arrows connecting boxes represent the output of one filter being passed to the input of another filter (Thompson, pg. 2). To play a .WAV file from a website, the ‘File Source (URL)’ is used (Thompson, pg. 17).

Accordingly, the file source (URL) as described in Thompson is a source of data for streaming media. That is, the source of data may be separate by a network from where the

data is processed and where the data is presented. However, having an URL as the file source says nothing about a media engine that can: use one or more media sources individual ones of which serving as a source of media content; use one or more transforms communicatively linked with the one or more media sources; and operate on data received from the one or more media sources. The URL file source itself is not the same as or equivalent to a media engine as the term “media engine” is known in the art. The fact that the file source is a URL has nothing to do with whether a media engine is remote from where the data is presented. Therefore, having a URL as the file source does not describe and is irrelevant to whether “...a presentation is presented on a first computing device, the first computing device being remote from a second computing device on which a media engine resides...” as required in claim 77.

The Office takes the position that Thompson, by describing a URL as the file source on page 17, “teaches the media engine is configured to present a presentation on a computing device that is remote from a computing device on which the media engine resides (Thompson, pg. 17, file source is a URL)” (Final Office Action, p. 7). However, as explained above, it is respectfully submitted that Thompson does not describe the media engine is configured to, *inter alia*, “...present a presentation on a first computing device, the first computing device being remote from a second computing device on which the media engine resides...”

Moreover, in responding to Applicant’s previous amendment filed on or about January 22, 2010, the Office takes the same position as detailed above regarding independent claims 1, 49 and 73 by providing “[i]t appears that Applicant intends the claim to recite ‘...to present a presentation on a first computing device...wherein the first computing device is remote from a second computing device...’. However, the plain language of the claim also supports the



following interpretation that the Office has relied on ‘...to present a presentation on a first computing device....wherein the presentation on a first computing device is remote from a second computing device...,’” (Final Office Action, pg. 18). While Applicant respectfully disagrees with the Office’s position, Applicant has further clarified the subject features of claim 1 to address the purported ambiguity raised by the Office.

For at least the foregoing reasons, independent claim 77 is patentable over Thompson. It is respectfully requested that the rejection of claim 77 under 35 U.S.C. § 102(b) be withdrawn.

Dependent Claims 78-82, 85, 86 and 88-90

**Claims 78-82, 85, 86 and 88-89** are patentable over Thompson because of their dependency on patentable claim 77. Further, each of these claims include additional features that, when taken together with those of claim 77, defines a system not described by Thompson. Therefore, it is respectfully requested that the rejection of these claims under 35 U.S.C. § 102(b) also be withdrawn.

**§103(a) Rejections**

Claim 52

**Claim 52** stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Taymans. Based on the following, Applicant respectfully traverses the rejection.

As explained above, Taymans fails to describe all of the elements and features of independent claims 49, from which claim 52 depends. Further, Applicant respectfully submits that Taymans fails to teach or suggest claim 49 and traverses the Office’s assertion of official

notice. Specifically, the Office provides “Official Notice is taken that it was well-known for objects such as bins to have private members that are not visible to other objects for the purpose of encapsulation”, (Final Office Action, pg. 10).

However, Applicant respectfully disagrees that the Office’s assertion are well known and capable of instant and unquestionable demonstration. If the Office continues to put forth this Official Notice, Applicant respectfully requests that the Office provide a reference(s) in the next Office Action allegedly offering evidence to support its position.

Nevertheless, Applicant respectfully submits that claim 52 is patentable over Taymans because of its dependency on patentable claim 49. Further, claim 52 includes additional features that, when taken together with those of claim 49, defines a system not taught or suggested by Taymans. Therefore, it is respectfully requested that the rejection of claim 52 under 35 U.S.C. § 103(a) be withdrawn.

#### Claim 87

**Claim 87** stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Thompson. Based on the following, Applicant respectfully traverses the rejection.

As explained above, Taymans fails to describe all of the elements and features of independent claims 77, from which claim 87 depends. Further, Applicant respectfully submits that Taymans fails to teach or suggest claim 77 and traverses the Office’s assertion of official notice. Specifically, the Office provides “Official Notice is taken that it was well-known to reduce glitches associated with a presentation by prerolling media data samples”, (Final Office Action, pg. 10).

However, Applicant respectfully disagrees that the Office's assertion are well known and capable of instant and unquestionable demonstration. If the Office continues to put forth this Official Notice, Applicant respectfully requests that the Office provide a reference(s) in the next Office Action allegedly offering evidence to support its position.

Nevertheless, Applicant respectfully submits that claim 87 is patentable over Taymans because of its dependency on patentable claim 77. Further, claim 87 includes additional features that, when taken together with those of claim 77, defines a system not taught or suggested by Taymans. Therefore, it is respectfully requested that the rejection of claim 87 under 35 U.S.C. § 103(a) be withdrawn.

Claims 10-13, 15-36, 41, 43, 47 and 48

**Claims 10-13, 15-36, 41, 43, 47 and 48** stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Taymans and further in view of Blome, with "IFileSourceFilter Interface" (hereinafter "**MSDN**") cited as evidence regarding Blome. Based on the following, Applicant respectfully traverses the rejection.

Independent Claim 15

**Claim 15**, as amended, defines a system that comprises:

- a media engine embodied on the one or more computer-readable media and configured to communicatively interact with an application to present a presentation on a first computing device, the first computing device being remote from a second computing device on which the media engine resides
- the media engine being configured to provide plurality of open methods that can be called by an application to specify data sources in different manners, the media engine being configured to use: one or more media sources individual ones of which serving as a source of media content; one or more transforms communicatively linked with one or more media sources and configured to operate on data received

from the one or more media sources; and one or more media sinks configured to sink a media stream

These features are similar to the features recited by claim 1, although the scopes of claim 1 and claim 15 are different. For the reasons explained above with respect to claim 1, it is respectfully submitted that Taymans also fails to disclose the features of claim 15, as amended.

Blome is directed to DirectShow, which is an API that enables Window applications to control a wide variety of audio/video input devices. The Office states that “Taymans does not explicitly disclose a plurality of open methods”, but takes position that “Blome discloses a similar media engine that calls a RenderFile method (p. 3, paragraphs describing Figs. 1 and 2)” (Final Office Action, p. 11).

As explained above, Taymans fails to teach or suggest all of the elements and features of independent claims 1 and 15. Blome fails to remedy such deficiencies. For example, there is no teaching or suggestion in Blome of “a media engine embodied on the one or more computer-readable media and configured to communicatively interact with an application to present a presentation on a first computing device, the first computing device being remote from a second computing device on which the media engine resides” as presently recited in amended claim 1 (and hence claims 10-13).

Blome also fails to teach or suggest a media engine “configured to communicatively interact with an application to present a presentation on a first computing device, the first computing device being remote from a second computing device on which the media engine resides...” as presently recited in claim 15.

Thus, Taymans and Blome, whether taken alone or in combination, fail to teach or suggest all of the elements and features of independent claims 1 and 15. Accordingly,

independent claims 1 and 15 are patentable over Taymans and further in view of Blome. It is respectfully requested that the rejection of claim 15 under 35 U.S.C. § 102(3) be withdrawn.

Dependent Claims 10-13

**Claims 10-13** are patentable over the cited references because of their dependency on patentable claim 1, as mentioned above. Further, each of claims 10-13 includes additional features that, when taken together with those of claim 1, defines a system not disclosed by the cited references.

Therefore, it is respectfully requested that the rejection of claims 10-13 under 35 U.S.C. § 103(a) be withdrawn.

Dependent Claims 16-36, 41, 43, 47 and 48

**Claims 16-36, 41, 43 and 47** are patentable over the cited references because of their dependency on patentable claim 15. Further, each of claims 16-36, 41, 43 and 47 includes additional features that, when taken together with those of claim 15, defines a system not disclosed by the cited references.

Therefore, it is respectfully requested that the rejection of claims 16-36, 41, 43, 47 and 48 under 35 U.S.C. § 103(a) be withdrawn.

Claims 37-40, 42 and 44-46

**Claims 37-40, 42 and 44-46** stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Taymans and Blome, and further in view of Smith. Based on the following, Applicant respectfully traverses the rejection.

Claims 37-40, 42 and 44-46 ultimately depend from independent claim 15 and, therefore, includes the feature, “configured to communicatively interact with an application to present a presentation on a first computing device, the first computing device being remote from a second computing device on which the media engine resides...” As mentioned above, the cited combination of Taymans and Blome fails to teach or suggest the same.

Smith is directed to system-defined event codes. The Office states that “Taymans and Blome do not teach an event associated with a completion of an open method”, but takes the position that “Smith discloses events for a media engine including an event associated with a completion of an open method (Smith, pp. 2-3, EC\_OPENING\_FILE)” (Final Office Action, p. 14). Accordingly, Applicant respectfully submits that Smith does not rectify the previously discussed deficiencies of Taymans and Blome, relative to the rejected claims, and the Office does assert that Blome purported teaches any other features of the rejected claims with the exception of “an event for a media engine including an event associated with a completion of an open method.”

Thus, Taymans, Blome and Smith, whether taken alone or in combination, fail to teach or suggest all of the elements and features of independent claim 15, included in claims 37-40, 42 and 44-46. Accordingly, independent claim 15 and claims 37-40, 42 and 44-46 are patentable over Taymans and Blome and further in view of Smith. Further, each of claims 37-40, 42 and 44-46 includes additional features that, when taken together with those of claim 15, defines a not taught or suggested by the cited references. Therefore, it is respectfully requested that the rejection of claims 37-40, 42 and 44-46 under 35 U.S.C. § 103(a) be withdrawn.

Claims 65-68

**Claims 65-68** stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Taymans and further in view of Smith. Based on the following, Applicant respectfully traverses the rejection.

As explained above, Taymans fails to teach or suggest all of the elements and features of independent claim 49, from which claims 65-68 depend. Smith fails to remedy such deficiencies. For example, there is no teaching or suggestion in Smith of “a media engine embodied on the one or more computer-readable media and configured to communicatively interact with an application to present a presentation, the media engine being configured to use a media session, the media engine and the media session configured to present the presentation on a first computing device, the first computing device being remote from a second computing device on which the media engine and the media session reside” as presently recited in amended claim 49 (and hence claims 65-68).

Thus, Taymans and Smith, whether taken alone or in combination, fail to teach or suggest all of the elements and features of independent claim 49. Accordingly, independent claim 49 is patentable over Taymans and further in view of Smith.

Claims 65-68 are believed to be patentable over the cited references because of their respective dependency on patentable claim 49. Further, each of claims 65-68 includes additional features that, when taken together with those of claim 49, defines a not taught or suggested by the cited references. Therefore, it is respectfully requested that the rejection of claims 65-68 under 35 U.S.C. § 103(a) be withdrawn.

Claims 83 and 84

**Claims 83 and 84** stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Thompson and further in view of Blome. Based on the following, Applicant respectfully traverses the rejection.

As explained above, Thompson fails to teach or suggest all of the elements and features of independent claim 77, from which claims 83 and 84 depend. Blome fails to remedy such deficiencies. For example, there is no teaching or suggestion in Smith of “a media engine embodied on the one or more computer-readable media and configured to communicatively interact with an application to present a presentation on a first computing device, the first computing device being remote from a second computing device on which the media engine resides” as presently recited in amended claim 77 (and hence claims 83 and 84).

Thus, Thompson and Blome, whether taken alone or in combination, fail to teach or suggest all of the elements and features of independent claim 77. Accordingly, independent claim 77 is patentable over Thompson and further in view of Blome.

Claims 83 and 84 are believed to be patentable over the cited references because of their respective dependency on patentable claim 77. Further, each of claims 83 and 84 includes additional features that, when taken together with those of claim 77, defines a not taught or suggested by the cited references. Therefore, it is respectfully requested that the rejection of claims 83 and 84 under 35 U.S.C. § 103(a) be withdrawn.



### **CONCLUSION**

For at least the foregoing reasons, it is respectfully submitted that claims 1-13, 15-47, 49-71, 73-75 and 77-89 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, **Applicant requests that the Examiner contact the undersigned attorney to resolve the issue.**

Respectfully Submitted,

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